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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,311	11/20/2001	Anuraag Agrawal	6541-59028	9516

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KLARQUIST SPARKMAN, LLP
One World Center
Suite 1600
121 S.W. Salmon Street
Portland, OR 97204

EXAMINER

MOORE, JAMES K

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,311

Applicant(s)

AGRAWAL, ANURAAG

Examiner

James K Moore

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-22, 24, 25 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-22, 24, 25 and 31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9. 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed February 25, 2003 with respect to claims 17-22 have been fully considered but they are not persuasive.

Regarding claim 17, the applicant argues that Aravamudan's "online status" does not read on the applicant's "application presence data". See page 6 of the Amendment. However, the examiner disagrees with this argument. A user is determined to be online when the user logs onto and connects with a network. See Aravamudan, col. 7, lines 1-9. Client Instant Message software conveys a message to an Instant Message server that indicates the user's "online presence". See Aravamudan, col. 7, lines 5-9. A user will have access to Instant Message application features, such as "screen pops", only when he is registered as being online. See Aravamudan, col. 10, lines 37-41. Since the user's "online presence" is necessary for the use of Instant Message applications, the user's "online status" properly reads on "application presence data".

Regarding claim 21, the applicant argues that it would not be obvious to discard Aravamudan's message if the evaluation indicates that the recipient is unavailable. The applicant refers to certain "buddies" which cannot determine if a user is online or offline. See page 7 of the Amendment. These low-priority buddies are not sent buddy presence notification messages, therefore it is moot to argue whether these types of messages should be discarded. See Aravamudan, col. 10, lines 16-51. However, Aravamudan does disclose that high-priority buddies do receive buddy presence notification messages. See col. 10, line 52 through col. 11, line 7. If a high-priority

buddy is not online, there is no point in saving a buddy presence notification message directed towards the high-priority buddy, because this type of message is useful only if it is received proximate to the time it was generated, since the on-line status of selected buddies is likely to change frequently. Therefore, it is obvious to discard this type of message in order to clear space in memory.

2. Applicant's arguments with respect to newly amended claim 25 have been considered but are moot in view of the new ground(s) of rejection.

3. The indicated allowability of claim 24 is withdrawn in view of the newly discovered reference(s) to Glasser et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34 recites the limitation "the user". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. Claims 17-20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Aravamudan et al. (U.S. Patent No. 6,301,609).

Regarding claim 17, Aravamudan discloses a messaging method comprising: selecting a message (event) for delivery to a selected recipient; evaluating application presence data (online status) associated with the recipient; and processing the message based on the evaluation. See col. 8, line 32 through col. 9, line 44.

Regarding claim 18, Aravamudan discloses all of the limitations of claim 17 and also discloses that the method comprises obtaining the presence data from a presence repository (personal data and rules database 168). See col. 6, lines 18-31 and col. 8, lines 51-55.

Regarding claim 19, Aravamudan discloses all of the limitations of claim 17 and also discloses that the method comprises obtaining the presence data from an application server (IM server 130). See Figure 1 and col. 7, lines 3-20.

Regarding claim 20, Aravamudan discloses all of the limitations of claim 17 and also discloses that the method comprises delivering the message to the user if the evaluation indicates that the recipient is available. See col. 9, lines 10-24.

Regarding claim 22, Aravamudan discloses all of the limitations of claim 17 and also discloses that the method comprises directing the message to a destination selected based on the evaluation. See col. 9, lines 10-18.

7. Claims 31 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Glasser et al. (U.S. Patent No. 6,519,639).

Regarding claim 31, Glasser discloses a messaging method comprising preparing a message for delivery to a recipient, evaluating application presence data associated with the recipient, and transmitting a message preparation indicator to the recipient based on the evaluation. See col. 1, line 64 through col. 2, line 64; col. 9, line 66 through col. 10, line 23; and Figure 3.

Regarding claim 34, Glasser discloses all of the limitations of claim 31, and also discloses that the message is delivered to the selected recipient if the evaluation indicates that the recipient is available. See col. 9, line 66 through col. 10, line 23.

Regarding claim 36, Glasser discloses all of the limitations of claim 31, and also discloses that the message is directed to a destination selected based on the evaluation. See col. 9, line 66 through col. 10, line 23.

Claim Rejections - 35 USC § 103

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan.

Regarding claim 21, Aravamudan discloses all of the limitations of claim 17 but does not disclose that the method comprises discarding the message if the evaluation indicates that the recipient is unavailable. However, Aravamudan discloses that one of the message types may be the status of selected buddies. See col. 8, lines 43-51. One of ordinary skill in the art recognizes that there is no point in saving this type of

message and forwarding it to the user at a later point in time. Such a message is only useful if it is received proximate to the time it was generated because the on-line status of selected buddies is likely to change frequently. Therefore, it would have been obvious to discard this type of message if the evaluation indicates that the recipient is unavailable, in order to clear space in the memory of the CSP.

9. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al. (U.S. Patent Application Publication No. 2002/0021307) in view of Glasser et al.

Regarding claim 24, Glenn discloses a messaging method comprising displaying user presence data (presence indicators) for a list of recipients and delivering a message based on the displayed user presence data. See paragraphs 19-25. Glenn does not disclose that the method comprises displaying a message preparation indicator associated with at least one recipient, where the message preparation indicator is associated with message preparation by the recipient. However, Glasser discloses a messaging method that comprises displaying a message preparation indicator associated with instant messaging recipients, where the message preparation indicator is associated with message preparation by the recipient. See col. 1, line 64 through col. 2, line 64 and Figure 3. Glasser teaches that one of the benefits of the method is that it provides a smooth conversational flow between instant messaging participants without greatly increasing the flow of network traffic. See col. 1, lines 22-61. Therefore, it would have been obvious to one of ordinary skill in the art at the time

of the invention to modify Glenn with Glasser, such that the method comprises displaying a message preparation indicator associated with at least one recipient, where the message preparation indicator is associated with message preparation by the recipient, in order to provide a smooth conversational flow between instant messaging participants without greatly increasing the flow of network traffic.

Regarding claim 25, Glenn discloses an instant messaging apparatus comprising means for obtaining user presence data from a user, means for displaying the user presence data, and means for delivering a message to the user based on the user presence data. See paragraphs 19-25. Glenn does not disclose that the apparatus comprises means for displaying a message preparation indicator associated with the user. However, Glasser discloses an instant messaging apparatus that comprises means for displaying a message preparation indicator associated with a user. See col. 1, line 64 through col. 2, line 64 and Figure 3. Glasser teaches that one of the benefits of the apparatus is that it provides a smooth conversational flow between instant messaging participants without greatly increasing the flow of network traffic. See col. 1, lines 22-61. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glenn with Glasser, such that the apparatus comprises means for displaying a message preparation indicator associated with the user, in order to provide a smooth conversational flow between instant messaging participants without greatly increasing the flow of network traffic.

10. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasser et al. in view of Aravamudan.

Regarding claim 32, Glasser discloses all of the limitations of claim 31, but does not disclose that the presence data is obtained from a presence repository. However, Aravamudan discloses an instant messaging system that comprises a presence repository (personal data and rules database 168) that stores presence data for instant messaging users. See col. 6, lines 18-31. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glasser with Aravamudan, such that the presence data is obtained from a presence repository, in order for the presence data to be deemed reliable.

Regarding claim 33, Glasser discloses all of the limitations of claim 31, but does not disclose that the presence data is obtained from an application server. However, Aravamudan discloses an instant messaging system that comprises an application server (IM server 130) that interfaces with instant messaging users and provides presence data of selected buddies to the users. See Figure 1 and col. 7, lines 3-20. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glasser with Aravamudan, such that the presence data is obtained from an application server, in order to provide a mechanism for distributing user presence data to all relevant users.

11. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glasser et al. in view of Shah (U.S. Patent Application Publication No. US 2001/0013069).

Regarding claim 35, Glasser discloses all of the limitations of claim 31, but does not disclose that the method comprises discarding the message if the evaluation indicates that the recipient is unavailable. However, Shah teaches a messaging system which evaluates application presence data associated with a selected message recipient and allows the message sender to discard the message if the evaluation indicates that the recipient is unavailable. See paragraphs 6, 40, 50, and 71. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glasser with Shah, such that the message may be discarded if the evaluation indicates that the recipient is unavailable, in order to conserve space in the memory of the server which initially receives the message.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 872-9314 (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

4/30/03

JKM


DWAYNE BOST
SUPERVISORY PATENT EXAMINER
Technology Center 2600